

Ronald Wilcox, Esq., 176601
2160 The Alameda, First Floor, Suite F
San Jose, CA 95126
Tel: (408) 296-0400
Fax: (408) 296-0486
ronaldwilcox@post.harvard.edu

ATTORNEY FOR PLAINTIFF

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

| | |
|-------------------------------|---------------------------------------|
| VICTORIA MIRANDA, |) |
| |) |
| |) |
| Plaintiff, |) |
| |) Civil Action No. 06-04571 JF PVT |
| v. |) |
| |) |
| GREAT LAKES ASSET MANAGEMENT, |) |
| INC. and CAPITAL MANAGEMENT |) |
| SERVICES, INC. |) REQUEST TO CONTINUE 1/12/07 CMC |
| |) to 3/9/07 10:30 a.m. and [PROPOSED] |
| Defendant. |) ORDER |
| |) |

Plaintiff alleges this case arises from unlawful and harassing debt collection phone calls made by possibly two different debt collection agencies, Great Lakes Asset Management, Inc. and Capital Management Services, Inc. Both companies are in the Greater Buffalo New York area.

GREAT LAKES ASSET MANAGEMENT, INC.

Plaintiff filed an Affidavit Regarding Service and Request for Default against Great Lakes Asset Management, Inc. Great Lakes Asset Management, Inc. (Great Lakes). Docket #6 and #7. Great Lakes then contacted Plaintiff and alleged they were not properly served on September 26, 2006. The parties discussed a stipulation whereby Great Lakes Asset

Management, Inc. agreed to accept service of the Amended Complaint via fax and e-mail, and that the earlier Request for Default be vacated. However, Great Lakes Asset Management, Inc. has failed to sign and return the stipulation that was provided on November 21, 2006.

Furthermore, after researching the situation Plaintiff learned Great Lakes had been properly served on September 26, 2006. Regardless, they were served again on November 27, 2006. Great Lakes has failed to seek to set aside the default or defend this action in any way. Plaintiff intends to bring a Motion for Default Judgment.

CAPITAL MANAGEMENT SERVICES, INC.

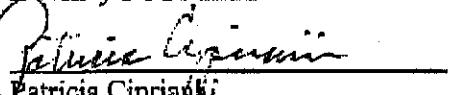
Defendant Capital Management Services, Inc. (Capital Management) claims they should not be in this case, despite the fact a collection agent called the Plaintiff and left Capital Management's phone number as a return phone number. Capital Management claims they have no record of Plaintiff's account. Plaintiff has attempted to obtain Great Lake's cooperation on this issue, to no avail. Nevertheless, Plaintiff has agreed that Capital Management Services, Inc. need not answer at this time. Plaintiff will notice deposition subpoenas of Great Lakes. It is believed that will help resolve the issue.

Plaintiff respectfully requests the Case Management Conference scheduled for January 12, 2007 be continued to March 9, 2007.

Respectfully submitted,


Ronald Wilcox
Attorney for Plaintiff

1/5/07
Date


Patricia Cipriani
Capital Management Services, Inc.

1/04/07
Date

[PROPOSED] ORDER

The Case Management Conference set for January 12, 2007, is hereby continued to

March 9, 2007 at 10:30 a.m.

Date: 1/10/07



HON. JEREMY FOGEL
U.S. DISTRICT JUDGE